

TITLE 16. BOARD OF REGISTERED NURSING

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Suite 4030, Sacramento, California, at 10:00am, on July 17, 2002. Written comments must be received by the Board of Registered Nursing at its office not later than 5:00 p.m. on July 17, 2002 or must be received by the Board of Registered Nursing at the hearing. Written comments may be submitted by mail at the address listed above, by email at ellen_jibben@dca.ca.gov, or by fax at (916) 327-4402. The Board of Registered Nursing, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code, and to implement, interpret or make specific Sections 2750, 2759, 2761, 2762, and Sections 11400.20 and 11425.50(e) of the Government Code, the Board of Registered Nursing is considering changes to Division 14 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Business & Professions Code Sections 2750 and 2759 authorize the Board to discipline registered nurses for violation of the Nursing Practice Act. The Board's publication, "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" delineates the possible disciplinary action the Board may impose for violations of the Nursing Practice Act. Government Code Section 11425.50(e) requires that disciplinary guidelines be in regulations. In accordance with this statute, the Board adopted California Code of Regulations Section 1444.5, which incorporates by reference the Board's disciplinary guidelines of September 1999.

This regulatory proposal amends Section 1444.5 to incorporate by reference the April 2002 revision of the Board's "Recommended Guidelines for Disciplinary Orders and Conditions of Probation". The revision reflects statutory and regulatory changes, strengthens consumer protection, and enhances clarity and consistency.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board of Registered Nursing has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board of Registered Nursing is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The regulatory proposal affects registered nurses who violate the Nursing Practice Act; it does not affect small business.

CONSIDERATION OF ALTERNATIVES

The Board of Registered Nursing must determine that no reasonable alternative which it considered or that was brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less

burdensome on affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Registered Nursing has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Registered Nursing at 400 R Street, Suite 4030, Sacramento, California 95814-6200.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to Ellen Jibben at 400 R Street, Suite 4030, Sacramento, California 95814, or at (916) 324-2715 or fax to (916) 327-4402, or email to ellen_jibben@dca.ca.gov.

The backup contact person is Heidi Goodman at (916) 324-2715, or fax to (916) 327-4402, or email to heidi_goodman@dca.ca.gov.

The person designated to respond to questions on the substance of the regulatory proposal is Geri Nibbs at (916) 324-2715 or fax to (916) 327-4402, or email to geri_nibbs@dca.ca.gov.

Website Access: Materials regarding this proposal can be found at the Board's website:

